

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY MAY 28, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1186

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to ~~add Section 43846 to~~ *amend Section 43845* of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1186, as amended, Blumenfield. Employee parking.

Existing law requires, in any air basin designated as nonattainment for certain air quality standards, an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program, as provided.

~~This bill would require a lessor of a nonresidential building, located within such an air basin, that offers parking to tenants of the building to list the parking costs as a separate line item in all lease agreements that are entered into, or renewed, on or after January 1, 2011. The bill would make this requirement applicable only to the lessor of a nonresidential building that enters into, or renews, a lease agreement that provides occupancy for 50 or more persons that enters into or renews a lease with an employer subject to the requirement above, on or before January 1, 2011, to list the amount of parking costs as a separate line item in the lease or provide a list of parking costs to the lessee within 30 days after the lease is entered into or renewed.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 43845 of the Health and Safety Code is*
2 *amended to read:*

3 43845. (a) In any air basin designated as a nonattainment area
4 pursuant to Section 39608, each employer ~~of 50 persons or more~~
5 ~~who provides a parking subsidy to employees;~~ shall offer a parking
6 cash-out program. ~~“Parking cash-out program” means an~~
7 ~~employer-funded program under which an employer offers to~~
8 ~~provide a cash allowance to an employee equivalent to the parking~~
9 ~~subsidy that the employer would otherwise pay to provide the~~
10 ~~employee with a parking space.~~

11 (b) A parking cash-out program may include a requirement that
12 employee participants certify that they will comply with guidelines
13 established by the employer designed to avoid neighborhood
14 parking problems, with a provision that employees not complying
15 with the guidelines will no longer be eligible for the parking
16 cash-out program.

17 (c) *A lessor shall do either of the following for any lease, entered*
18 *into or renewed on or after January 1, 2011, with a lessee who is*
19 *an employer subject to subdivision (a), that offers parking to the*
20 *employer:*

21 (1) *List the amount of parking costs as a separate line item in*
22 *the lease.*

23 (2) *Provide a list of parking costs to the lessee within 30 days*
24 *after the lease is entered into or renewed.*

25 ~~(e)~~

26 (d) As used in this section, the following terms have the
27 following meanings:

28 (1) “Employee” means an employee of an employer subject to
29 this section.

30 (2) “Employer” means an employer of 50 persons or more who
31 provides a parking subsidy to employees.

32 (3) “Parking cash-out program” means an employer-funded
33 program under which an employer offers to provide a cash
34 allowance to an employee equivalent to the parking subsidy that
35 the employer would otherwise pay to provide the employee with
36 a parking space.

37 ~~(2)~~

1 (4) "Parking subsidy" means the difference between the
2 out-of-pocket amount paid by an employer on a regular basis in
3 order to secure the availability of an employee parking space not
4 owned by the employer and the price, if any, charged to an
5 employee for use of that space.

6 ~~(d)~~

7 (e) Subdivision (a) does not apply to any employer who, on or
8 before January 1, 1993, has leased employee parking, until the
9 expiration of that lease or unless the lease permits the employer
10 to reduce, without penalty, the number of parking spaces subject
11 to the lease.

12 ~~(e)~~

13 (f) It is the intent of the Legislature, in enacting this section,
14 that the cash-out requirements apply only to employers who can
15 reduce, without penalty, the number of paid parking spaces they
16 maintain for the use of their employees and instead provide their
17 employees the cash-out option described in this section.

18 ~~SECTION 1. Section 43846 is added to the Health and Safety~~
19 ~~Code, to read:~~

20 ~~43846. (a) The lessor of a nonresidential building, located~~
21 ~~within an air basin designated as a nonattainment area pursuant to~~
22 ~~Section 39608, that offers parking to tenants of the building shall~~
23 ~~list the parking costs as a separate line item in all lease agreements~~
24 ~~that are entered into, or renewed, on or after January 1, 2011.~~

25 ~~(b) This section applies only to the lessor of a nonresidential~~
26 ~~building that enters into, or renews, a lease agreement that provides~~
27 ~~occupancy for 50 or more persons.~~